

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PAUL J. WROBLESKI,

Civil No. 05-2732 (DWF/JSM)

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

Paul J. Wroblewski, *Pro Se*, Petitioner.

Michael K. Junge, Assistant McCleod County Attorney, McCleod County Attorney's Office, counsel for Respondent.

This matter is before the Court upon Petitioner's objections to Magistrate Judge Janie S. Mayeron's Report and Recommendation dated April 27, 2006, recommending that: (1) Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 be dismissed without prejudice; (2) Respondent's Motion to Dismiss the Petition for Writ of Habeas Corpus be granted; and (3) Petitioner's Motion to Grant Appropriate Relief be denied.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Paul J. Wrobleski's objections (Doc. No. 12) to Magistrate Judge Janie S. Mayeron's Report and Recommendation dated April 27, 2006, are **DENIED**.
2. Magistrate Judge Janie S. Mayeron's Report and Recommendation dated April 27, 2006 (Doc. No. 11), is **ADOPTED**.
4. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE**.
5. Respondent's Motion to Dismiss the Petition for Writ of Habeas Corpus (Doc. No. 3) is **GRANTED**.
6. Petitioner's Motion to Grant Appropriate Relief (Doc. No. 5) is **DENIED**.

Dated: May 19, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court